IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2039 OF 2005

Pravin G.Shah and Ors. ..Applicants

Vs.

Shri.Nenshi V.Khirani
and Ors. ..Respondents

...

Mr. H.K.Prem Advocate for Applicants
Mr. Amit J.Pai for Respondents
Mr. Y.S.Shinde, A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.

DATE : JULY 18,2005

P.C.

1. Heard the learned advocate for the applicants, learned advocate for the respondents and the learned A.P.P. for the State.

2. The applicants are seeking quashing of process issued by the learned Addl. Chief Metropolitan Magistrate, 11th Court, Kurla, Mumbai in C.C.No.82/SS/05. In the said case process is

issued under Sections 153-A, 500 r.w. 34 of IPC.

3. However, for the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the applicants have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the applicants prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the applicants to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the applicants makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, ad-interim stay granted by this Court is extended for a period of four weeks from today. The learned advocate for the respondents fairly states that no objection will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by the applicants before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]